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November 29, 2011

## VIA ECF

Honorable Roanne L. Mann  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: Kosher Sports Inc. v. Queens Ballpark Company, LLC (No. 10-cv-2618)

Dear Judge Mann:

As counsel for defendant Queens Ballpark Company, LLC ("QBC") in the above-referenced matter, we write to update the Court on the status of the parties' settlement negotiations and to respectfully request an additional one week extension of the current deadlines for defendant's expert disclosure and the completion of expert discovery. A proposed Revised Scheduling Order is attached for the Court's consideration.

Despite intense negotiations over the past three weeks during which time the parties managed to reach agreement on most major issues, the parties are now at an impasse and it appears that further negotiations at this time would not be fruitful. In an effort to focus on negotiations and to avoid expending money that could be used for a potential settlement, QBC, while the parties were negotiating feverishly and a settlement seemed imminent, put its expert discovery on hold.

Accordingly, QBC respectfully requests an additional week to complete its expert disclosure which is currently due on Friday, December 2, and for the completion of expert discovery which is currently set for December 30, 2011. QBC's delay in completing its expert disclosure was further exacerbated by KSI's delay in responding to QBC's latest settlement offer which was conveyed last Wednesday, November 23, and was not responded to until yesterday afternoon.

We have conferred with plaintiff Kosher Sports, Inc.'s counsel and they have consented to this request. QBC has made one additional request for an extension of time which was granted by this Court on November 3, 2011. (Docket # 118). We are available to discuss this and any other matters at the Court's convenience.

H E R R I C K

Honorable Roanne L. Mann  
November 29, 2011  
Page 2

Respectfully submitted,

/s/ Avery S. Mehlman

Enclosure

cc: Ira Daniel Tokayer, Esq.

REVISED SCHEDULING ORDER

Deadline for Defendant to serve Expert Report:	December 9, 2011
Date for completion of Expert Discovery:	January 6, 2012
Date for filing Dispositive Motions:	January 30, 2012

SO ORDERED:

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U.S.M.J.